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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/819,168 | 03/27/2001 | Shinichiro Okamoto | A-391 | 3886 |
| 802 | 7590 | 03/02/2004 | EXAMINER | |
| DELLETT AND WALTERS 310 S.W. FOURTH AVENUE SUITE 1101 PORTLAND, OR 97204 | | | NGUYEN, BINH AN DUC | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3713 | /1 |

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,168

Applicant(s)

OKAMOTO ET AL.

Examiner

Binh-An D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 9-13, 19-44 and 50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14-18, 45-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☒ Interview Summary (PTO-413) Paper No(s) 11.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Applicant's election without traverse of Group I and further, Species Ia1, Ib2, and Ic which correspond to claims 1-8, 45-48, 14-18 and 49 in Paper No. 9, November 26, 2003, and further via the Phone Interview of February 2, 2004, is acknowledged.

2. The drawings are objected to because in Figure 4, step 104, the recited word "caracter" should be changed to "character". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Claims 1-8 and 45-48 are objected to because of the following informalities:

In claims 1 and 45, the recited phrase "one of the shape" (line 11) should be changed to "one of the shapes". Appropriate correction is required.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 49 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 49, the recited phrase "one of the shape" (line 5) lacks antecedent basis.

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-8, 14-18, and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyamoto et al. (6,139,433).

Miyamoto et al. teaches a game machine having an information storage medium (54) for storing a video game program (Fig.1; 1:47-2:29) comprising: movement instructing unit (or means) for instructing the movement of a player character (Mario) in a three-dimensional virtual space (Fig.23D-26A; 2:30-40; 12:50-67); space setting unit (or means) for setting the shapes of said player character and an object existing around the player character, and their arrangement in said virtual space (2:41-67; 13:1-16); image generating unit (or means) for generating an image in said virtual space as looked from a virtual visual point position (views from different camera angles)(3:1-4:8); timing decision unit (or means) for deciding the timing at which said player character and said object satisfy relatively a predetermined relation for at least one of the shapes and the arrangement in said virtual space (e.g. player character changing shape or pose at different moving speeds or actions; player character interacts with surrounding objects)(3:18-48; 25:66-26:67); a timer for measuring a fixed time after said timing decision unit (or means) decides that said player character and said object satisfy the

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predetermined relation (hardware and software interrupts)(10:57-11:19); and visual point position setting unit (or means) for shifting said visual point position along with the movement of said player character so that said player character may be contained in a visual field range, and changing said visual point position in a predetermined range almost centered at said player character, when the elapse of said fixed time is detected by said timer or when a change instruction is made by said change instructing unit (or means)(e.g., zooming or scaling desired views)(25:47-26:190; timing decision unit (or means) decides the timing at which said player character is intercepted in the visual field by said object, as looked from said visual point position in a direction toward said player character, on the basis of the shapes of said player character and said object and their arrangement in said virtual space; timing decision unit (or means) decides the timing at which said object is contained in a predetermined range around said player character; said visual point position is set above the height of said player character, and said timing decision unit (or means) decides the timing for said object above the height of said player character (corresponding to player's controlled views); visual point position setting unit (or means) changes said visual point position by rotating said visual point position by a predetermined angle around a rotational center of said player character position; said image generating unit (or means) generates said image continuously while said visual point position is being rotated by said visual point position setting unit (or means); said visual point position setting unit (or means) continues an operation of rotating said visual point position, until said player character is kept from being intercepted by said object as looked from said visual point position; return

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instructing unit (or means) for making a return instruction of returning the changed visual point position to an original state, when said visual point position is changed, wherein said visual point position setting unit (or means) returns said changed visual point position to the original state, when the return instruction is made by said return instructing unit (or means) (33:15-40; 34:15-58; 39:20-36; 46:6-28). See also the entire reference.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al. (6,139,433) as applied to claims 1-8, 14-18, and 49 above, and further in view of Rieder (6,017,272).

Miyamoto et al. (6,139,433) teaches all limitations of claims 1-8, 14-18, and 49. Miyamoto et al. does not explicitly teach the limitations of return instructing unit for making a return instruction of returning the changed degree of transparency for the object to an original state, when the degree of transparency for said object is changed; and transmission processing unit for performing a transmission process of changing the degree of transparency for the object placed between said player character and said visual point position, when said timing decision unit decides that said player character and said object satisfy the predetermined relation, as well as returning the changed

degree of transparency to the original state, when a return instruction is issued by said return instructing unit (claim 45).

Rieder, however, teaches a video game system and method having video game program stored in computer readable medium comprising a return instructing unit (or means) for making a return instruction of returning the changed degree of transparency for the object to an original state, when the degree of transparency for said object is changed (Fig. 3; 8:22-46); and transmission processing unit (or means) for performing a transmission process of changing the degree of transparency for the object placed between said player character and said visual point position, when said timing decision unit (or means) decides that said player character and said object satisfy the predetermined relation, as well as returning the changed degree of transparency to the original state, when a return instruction is issued by said return instructing unit (or means) (Figs.4-8; 2:17-67; 8:47-67).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide transparency objects of Rieder to the video game having multiple view setting angles of Miyamoto et al. to provide user total controllable views in the video game thus attract more game players and increase sales of the game software.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 703-305-5713. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

BN


Teresa Walberg
Supervisory Patent Examiner
Group 3700